

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

BARBARA KNAPKE, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

PEOPLECONNECT, INC., a Delaware
Corporation,

Defendant.

Case No. 2:21-cv-00262-MJP

UNOPPOSED MOTION TO STAY

Plaintiff Barbara Knapke respectfully moves to stay the case pending Defendant's appeal of this Court's denial of its Motion to Dismiss, which sought to compel Plaintiff to arbitrate her claims. *See* Dkt. 25; *Knapke v. PeopleConnect, Inc.*, 21-35690 (9th Cir.).

As the Court is aware, Defendant sought dismissal of this case because, among other things, it claimed, Plaintiff was bound to arbitrate her claims. (Dkt. 13 at 2-5). The court denied that motion. (Dkt. 25.) Defendant appealed the Court's denial of its bid to compel arbitration, (dkt. 27), and, at the same time, moved to stay these proceedings during the pendency of its appeal, (dkt. 28). The Court denied Defendant's motion to stay. (Dkt. 37.) Defendant then asked the Ninth Circuit to stay these proceedings during its appeal. *Knapke v. PeopleConnect, Inc.*, No. 21-35690, dkt. 8 (9th Cir. Oct. 4, 2021). That request was also denied. *Knapke v. PeopleConnect, Inc.*, No. 21-35690, dkt. 14 (9th Cir. Oct. 20, 2021).

Defendant has filed a motion to stay and a petition for certiorari in the Supreme Court solely seeking to address the issue of whether a case automatically should be stayed when a party appeals the denial of a motion to compel arbitration in light of the split of authority amongst the

circuits and *Britton v. Co-op Banking Group*, 916 F.2d 1405 (9th Cir. 1990). *PeopleConnect, Inc. v. Knapke*, Nos. 21-725; 21A160 (S. Ct. Nov. 12, 2021). In light of this and in an effort to preserve judicial and the parties' resources, Plaintiff has agreed to the very relief Defendant seeks and therefore consents to stay these proceedings during the pendency of Defendant's appeal to the Ninth Circuit.

Counsel for Plaintiff conferred with counsel for Defendant on November 15, 2021, and indicated that, to avoid the expenditure of unnecessary resources on an issue unrelated to the merits, Ms. Knapke would agree to the stay Defendant previously sought and presently seeks from the Supreme Court. Defendant does not oppose this motion and agrees to entry of the relief requested herein (which, to reiterate, is what it has sought from this Court and the Ninth Circuit, and presently seeks from the Supreme Court) for the sake of efficiency.

WHEREFORE, Plaintiff respectfully requests that the Court grant this motion and enter an Order staying the case pending resolution of Defendant's appeal of this Court's denial of its Motion to Dismiss to the Ninth Circuit.

Dated this November 17, 2021

Respectfully Submitted,

By: /s/ Philip L. Fraietta
Philip L. Fraietta (admitted *Pro Hac Vice*)
BURSOR & FISHER, P.A.
888 Seventh Avenue
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
Email: pfraietta@bursor.com

Wright A. Noel, WSBA# 25264
CARSON NOEL PLLC
20 Sixth Avenue NE
Issaquah, WA 98027
Telephone: 425 837-4717
Facsimile: 425 837-5396
Email: wright@carsonnoel.com

Attorneys for Plaintiff Barbara Knapke

CERTIFICATE OF SERVICE

I hereby certify that on the date given below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF which sent notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

DATED this November 17, 2021.

By: /s/ Philip L. Fraietta